



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 29 January 2004
EXPIRATION DATE: 1 March 2004
REFERENCE NUMBER: 4-2003-1571
WATERWAY NUMBER: Wrangell Narrows 517

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Theodore Smith, P.O. Box 841, Petersburg, Alaska 99833. AGENT: Kenneth Elmore, P.E., P.O. Box 371, Petersburg, Alaska 99833. Telephone (907) 772-3284.

LOCATION: Lots 9 & 14, Ted Smith Subdivision at Papke's Landing in section 11, T. 60 S., R. 79 E., Copper River Meridian, latitude 56° 40' 50" N., Longitude 132° 55' 56" W., at Milepost 11 on the Mitkof Highway south of Petersburg, Alaska.

WORK: Clear the woods and place approximately 8,850 cubic yards (cy) of shot rock and clean gravel on lot #9 (0.67 acres) and approximately 4,050 cy of shot rock and clean gravel on Lot #14 (0.58 acres). Gravel and shot rock will be obtained from a commercial quarry.

PURPOSE: Develop lots #9 and #14 for residential housing sites with on-site sewer and water to be designed later by lot buyers. Access road is established.

ADDITIONAL INFORMATION: Site is forested wetlands with no streams on site.

MITIGATION: None Proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Management and Budget, Division of Governmental Coordination has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources because the site is forested wetlands outside the tidal area and no streams are reported on the site.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Dennis Stone at (907) 753-2724 or toll free in Alaska at (800) 478-2712, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

() Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

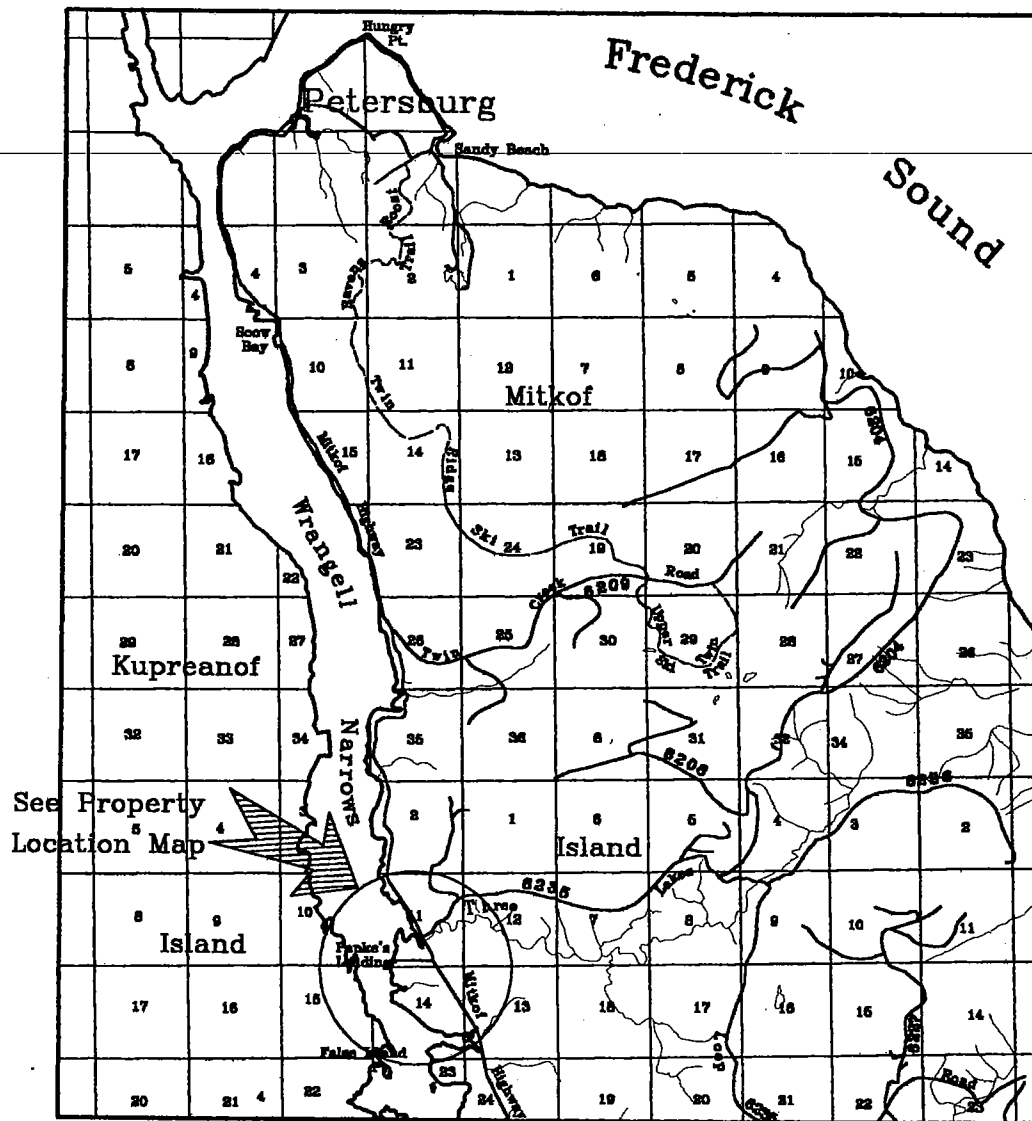
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

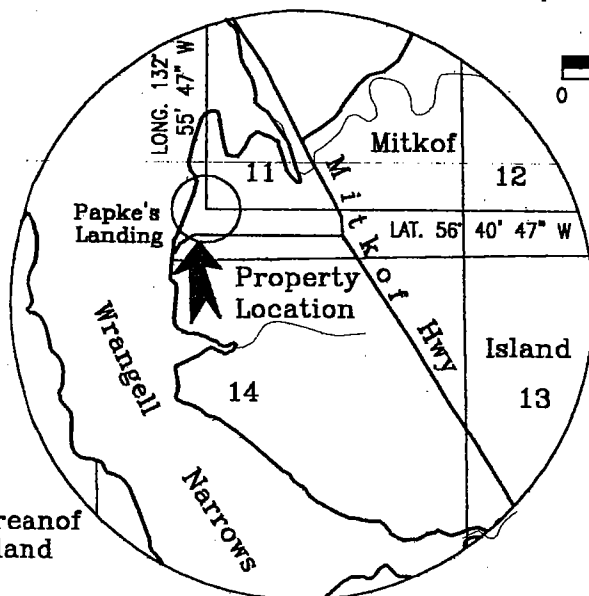
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

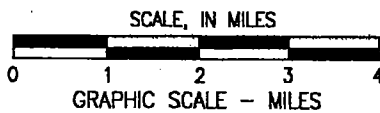
Attachments



VICINITY MAP: USGS QUAD's, Petersburg C-3, Petersburg D-3



PROPERTY LOCATION MAP SCALE, IN MILES



WRANGELL NARROWS:

Project Location: Near Papke's Landing,,
11 Miles South of Petersburg, AK

KENNETH H. ELMORE, P.E.

P.O. Box 371, Petersburg, AK 99833

DATE PREPARED:
12-07-2003

APPLICANT:
Ted Smith

DEPARTMENT OF THE ARMY PERMIT

Sec. 11, Township 60 S, Range 79 E, Meridian CRM

Scale: 1" = 2 Miles

SHEET 1 OF 3

THEODORE SMITH

4-2003-1571 WRANGELL NARROWS 517

26 JANUARY 2004

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153.210

PETERSBURG

28-11



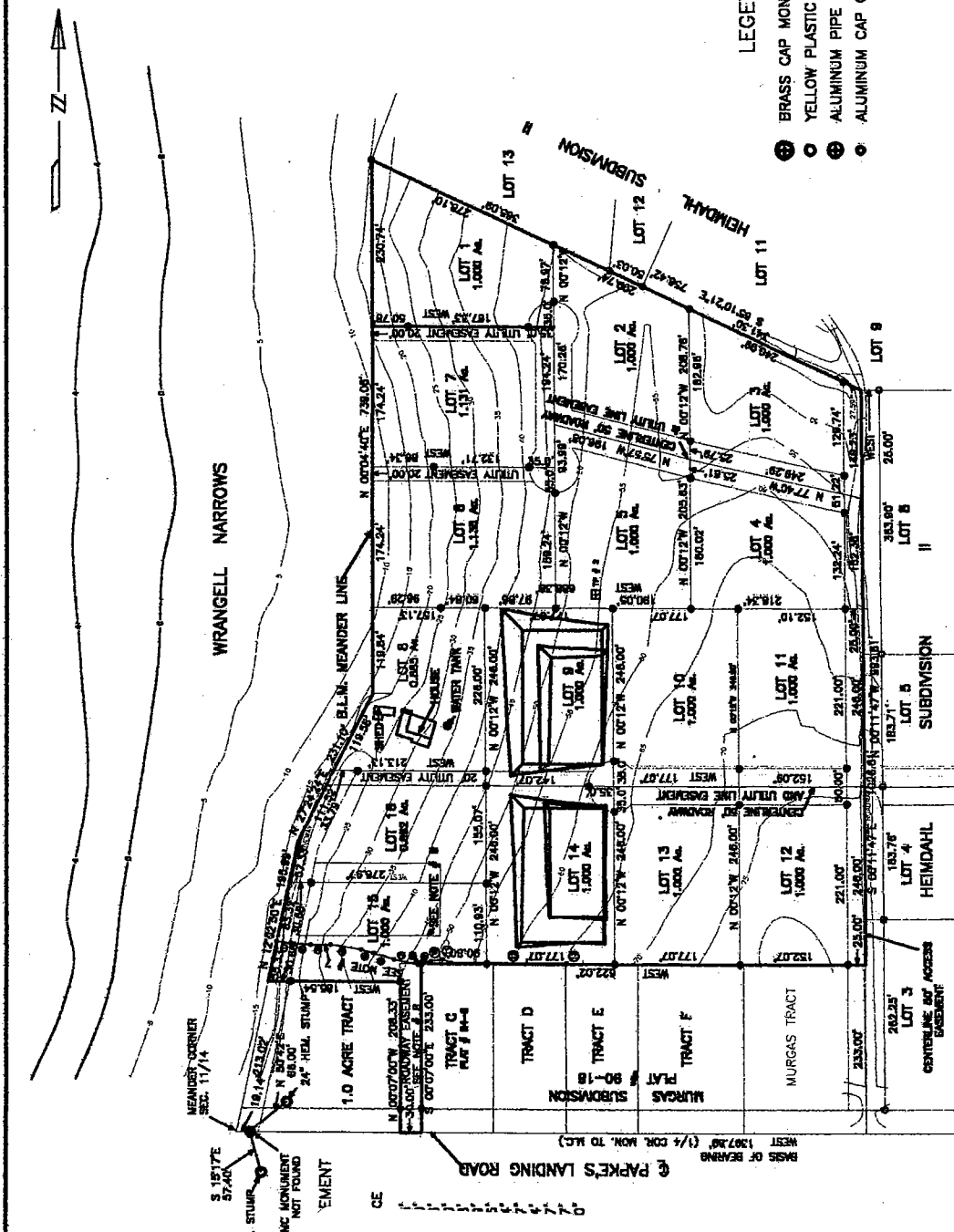
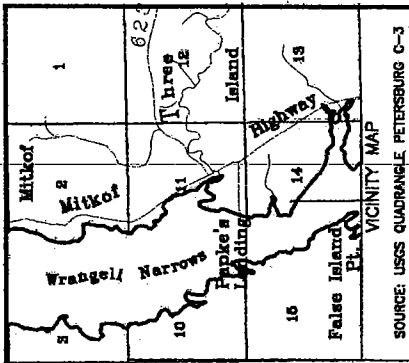
THEODORE SMITH

4-2003-1571

WRANGELL NARROWS 517

26 JANUARY 2004

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LEGEND

- BRASS CAP MONUMENT SET IN CONCRETE TABLET
- YELLOW PLASTIC CAP ON REBAR MONUMENT LS 6285
- ALUMINUM PIPE MONUMENT ESTABLISHED THIS SURVEY
- ALUMINUM CAP ON REBAR MONUMENT ESTABLISHED THIS SURVEY

TED SMITH SUBDIVISION
A PLAT OF A SUBDIVISION
OF A PORTION OF G.L. 4
SEC. 11, T80S, R79E, CRM
PETERSBURG RECORDING DISTRICT

CLIENT: TED SMITH
P.O. BOX 841
PETERSBURG, AK 99833

GRAPHIC SCALE - FEET

SURVEYOR
RICK G. BRAUN, L.S.
P.O. BOX 211, PETERSBURG, AK 99833
PH (907) 772-3986

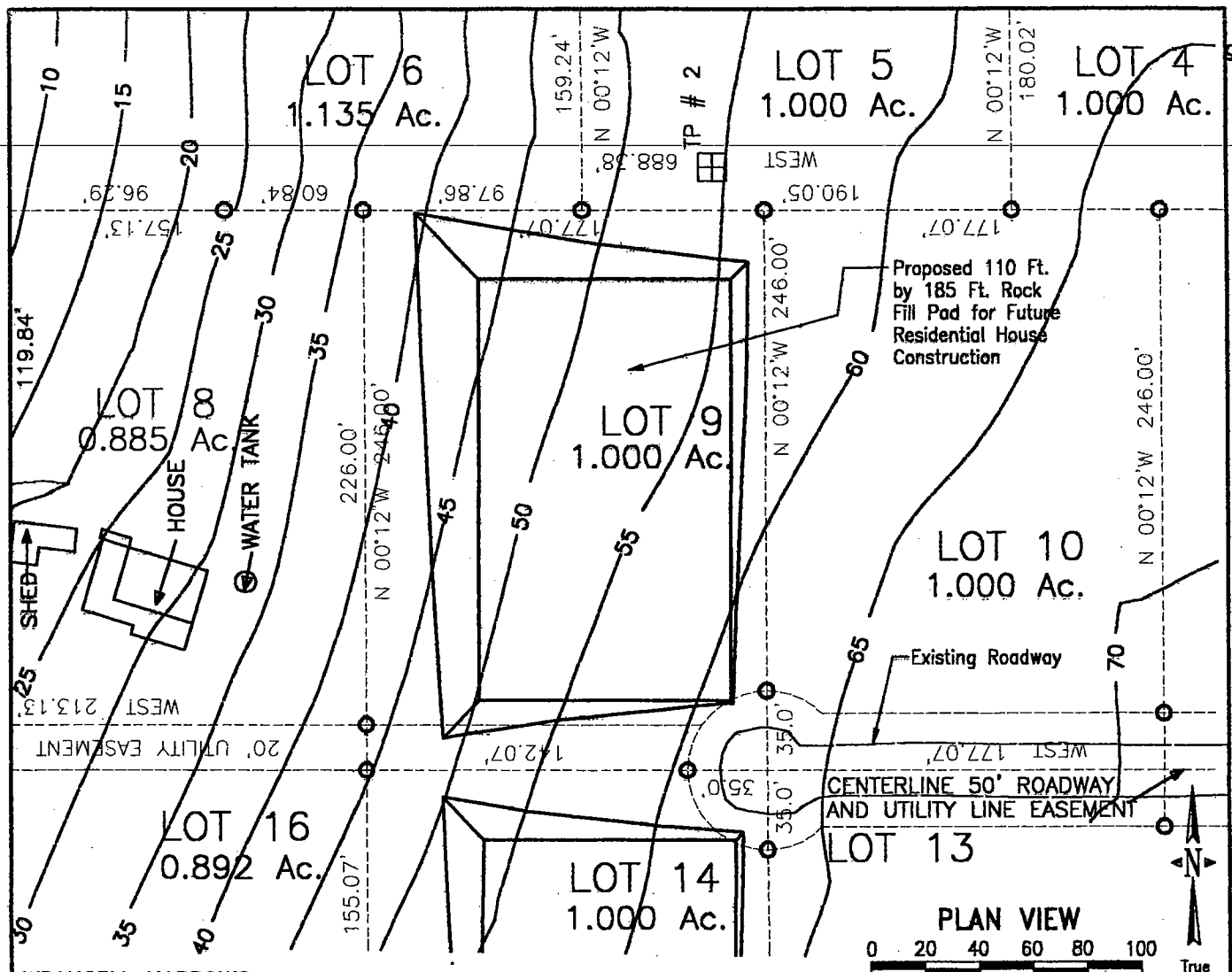
SURVEY COMPLETED 7/12/95 DRAWN BY R.B.
SCALE AS SHOWN PROJECT NO. SM4894

GENERAL NOTES (CONT'D.)

- LONG AND SHORT DASHED LINE INDICATES CENTERLINE OF TWO SEWER LINE EASEMENTS, ONE OF WHICH IS DESCRIBED ON PAGE 13A, BOOK 28 AND THE OTHER ON PAGE 17B, BOOK 36, PETERSBURG RECORDING DISTRICT.
- RAILROAD EASEMENT DESCRIBED ON PAGE 132, BOOK 28, PETERSBURG RECORDING DISTRICT, AND DEDICATED FOR THE USE OF THE 1.0 ACRE TRACT, TRACT C AND LOT 13 OF THIS SUBDIVISION.
- LOTS WITH PACKAGE TREATMENT PLANTS MUST PROVIDE OPERATION AND MAINTENANCE (O&M) MANUALS FOR REVIEW AND APPROVAL WITH EASEMENTS. ACCORDING TO 18 AAC 72.210-220, EACH APPROVED O&M MANUAL MUST BE PROVIDED TO THE LOCAL AIDED OFFICE, TO THE LOT OR HOMEOWNER OPERATING THE SYSTEM, AND BE ATTACHED TO PROPERTY DEED AND MORTGAGE PAPERS FOR REFERENCE BY FUTURE OWNERS.
- IN ADDITION, ANNUAL INSPECTIONS OF EACH TREATMENT PLANT MUST BE PERFORMED BY AN INDIVIDUAL TECHNICALLY FAMILIAR WITH THE TREATMENT PLANT USED, DEMONSTRATING SECONDARY TREATED EFFLUENT DISCHARGE FROM THE PLANT, SUPPORTED BY EFFLUENT SAMPLER, COLLECTOR AND OUTFALL DESIGNS MAY NEED TO INCLUDE PROVISIONS FOR THE SAMPLING. SECONDARY TREATMENT IS DEFINED BY 18 AAC 72.210-220.

GENERAL NOTES

- THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN THE BRASS CAP MONUMENT AT THE SOUTH 1/4 CORNER FOR SECTION 11 AND THE POSITION FOR THE WMC FOR SECTIONS 11 AND 14, HAVING AN ACCEPTED BEARING OF WEST.
- WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES, THE MEASURED AND/OR COMPUTED COURSES SHALL BE SHOWN WITHOUT PARENTHESES. RECORD COURSES ARE FROM HEIMDAHL SUBDIVISION II, PLAT NO. 90-20.
- THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:10,000.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AND ARE ORIENTED TO HORIZONTAL FIELD DISTANCES.
- THIS SUBDIVISION LIES OUTSIDE ANY TAKING AUTHORITY.
- DASHED LINES INDICATE TRACT D, CREATED BY TED SMITH, PLAT NO. 90-21, LOT LINES FOR SAID TRACT D ARE REMOVED AND DELETED BY THIS SUBDIVISION PLAT.

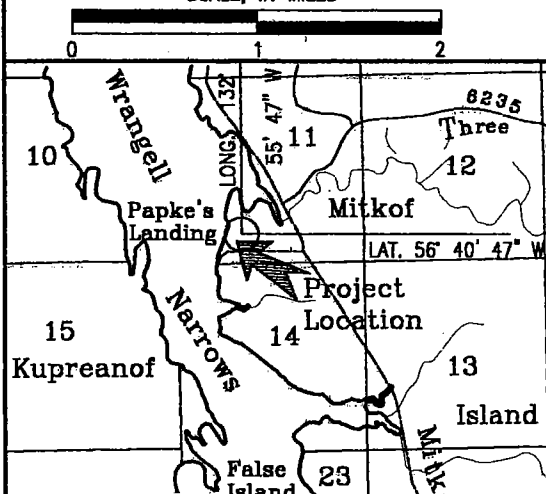


WRANGELL NARROWS:

Project Location: Near Papke's Landing,,
11 Miles South of Petersburg, AK

VICINITY MAP: USGS QUAD, Petersburg C-3

SCALE, IN MILES



NOTES

1. Purpose: Placing a Rock Fill Pad to Develop Property Lot for Future Residential House Construction
2. DATUM: Elevation +0.0 at Mean lower Low Water
3. Property Description: Lots 9 & 14, A.S.L.S. # 82-193, within Surveyed Section 11, T. 60 S., R. 79 E., C.R.M.
4. Property Lot is an Upland, Forested "Wetlands" Lot, 60% Vegetated With Brush & Timber, 40% Vegetated by Grasses. There are no Open Drainage Channels or Standing Water Ponds on the Lot.
5. Adjacent Property Owners:
Lots 5,6,9,13,14: Theodore M Smith, P.O. Box 841, Petersburg, AK 99833
Lots 8, 15: Kevin Volk, P.O. Box 554, Petersburg, AK 99833
Lot 4: Edward Bain, no address available
Lot 10: Andrew Worhatch, Petersburg, AK 99833
6. See Table of Discharges, Fill Materials, Volumes, and Areas of Impact on Sheet 3 For Details of All Fill Discharges and Types

KENNETH H. ELMORE, P.E.

P.O. Box 371, Petersburg, AK 99833

DATE PREPARED:
12-07-2003

APPLICANT:
Ted Smith

DEPARTMENT OF THE ARMY PERMIT

Sec. 11, Township 60 S, Range 79 E, Meridian CRM

Scale: 1" = 80 ft.

SHEET 2 OF 3

THEODORE SMITH

Island

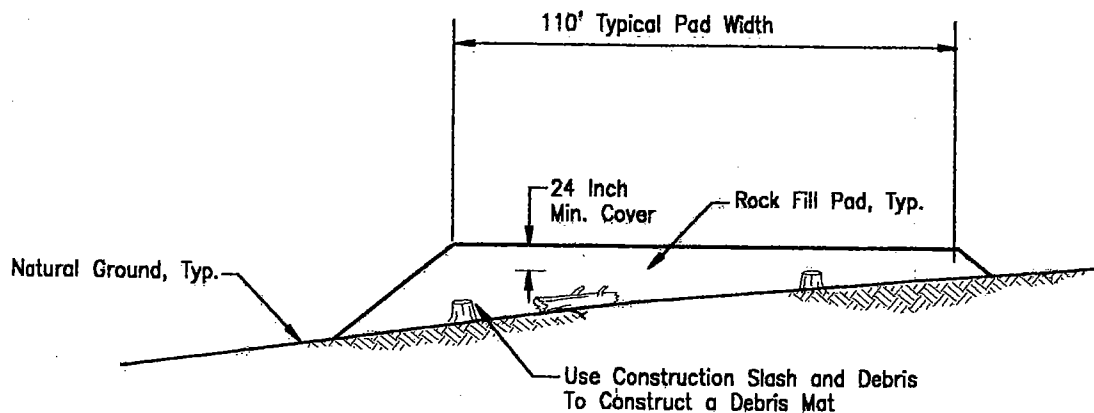
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WRANGELL NARROWS 517

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FILL MATERIAL DISCHARGES, VOLUMES, AND AREAS OF IMPACT				
DISCHARGE	TYPE OF MATERIAL	DIMENSIONS	VOLUMES	AREA OF IMPACT
House Pad (Proposed)	Clean Shot Rock	185 Ft. x 110 Ft. x 12 Ft. (Avg)	8,833 Cubic Yards	0.669 Acres



Stumps, Construction Slash, and Debris
Not Used as a Mat Shall Be Removed
From Property Lot and Disposed of in
Contractor's Rock Pit

TYPICAL ROCK OVERLAY SECTION

Not To Scale

KENNETH H. ELMORE, P.E.

P.O. Box 371, Petersburg, AK 99833

DATE PREPARED:
12-07-2003

APPLICANT:
Ted Smith

DEPARTMENT OF THE ARMY PERMIT

Sec. 11, Township 60 S, Range 79 E, Meridian CRM

Scale: 1" = 40 ft.

SHEET 3 OF 3

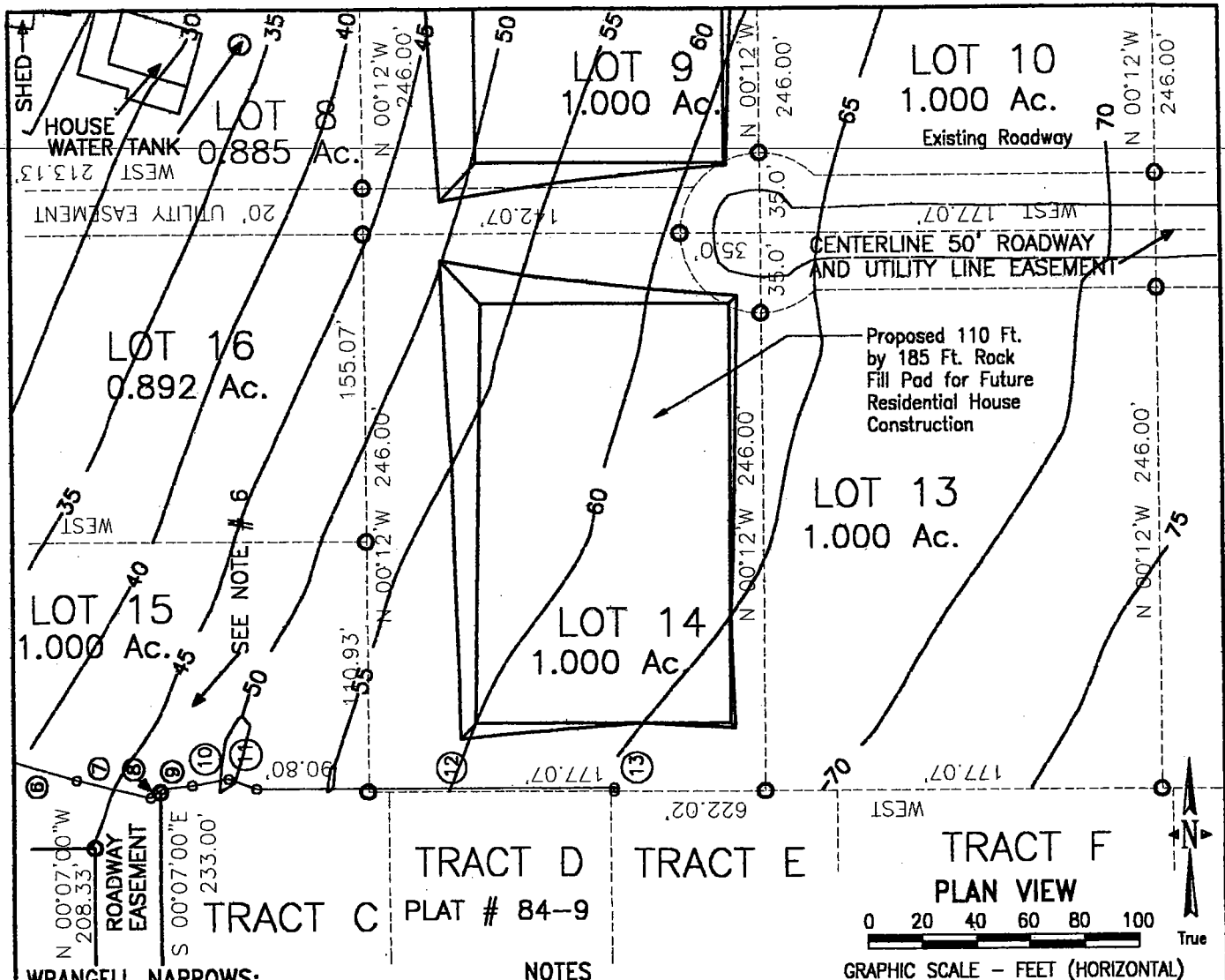
THEODORE SMITH

4-2003-1571

WRANGELL NARROWS 517

26 JANUARY 2004

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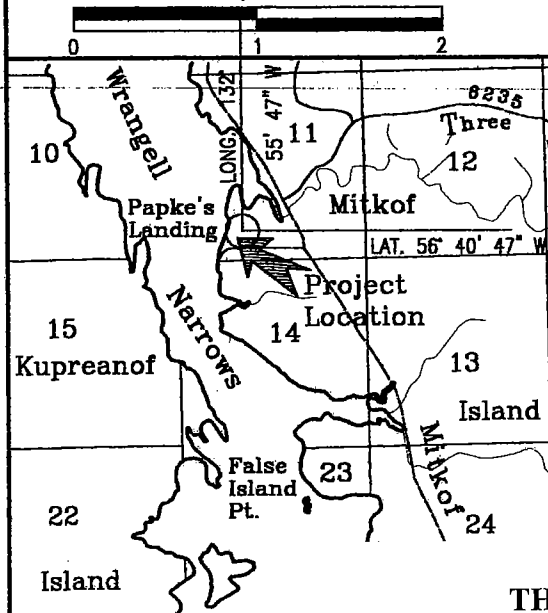


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Lots 8, 15: Kevin Volk, P.O. Box 554, Petersburg, AK 99833
Lot 4: Edward Bain, no address available
Lot 10: Andrew Worhatch, Petersburg, AK 99833
Tract C, Plat 84-9: Dave Helmick, P.O. Box 913, Petersburg, AK 99833
6. See Table of Discharges, Fill Materials, Volumes, and Areas of Impact on Sheet 3 For Details of All Fill Discharges and Types

KENNETH H. ELMORE, P.E.

P.O. Box 371, Petersburg, AK 99833

DATE PREPARED:
12-07-2003

APPLICANT:
Ted Smith

DEPARTMENT OF THE ARMY PERMIT

Sec. 11 Township 60 S, Range 79 E, Meridian CRM

ft.

SHEET 2 OF 3

THEODORE SMITH

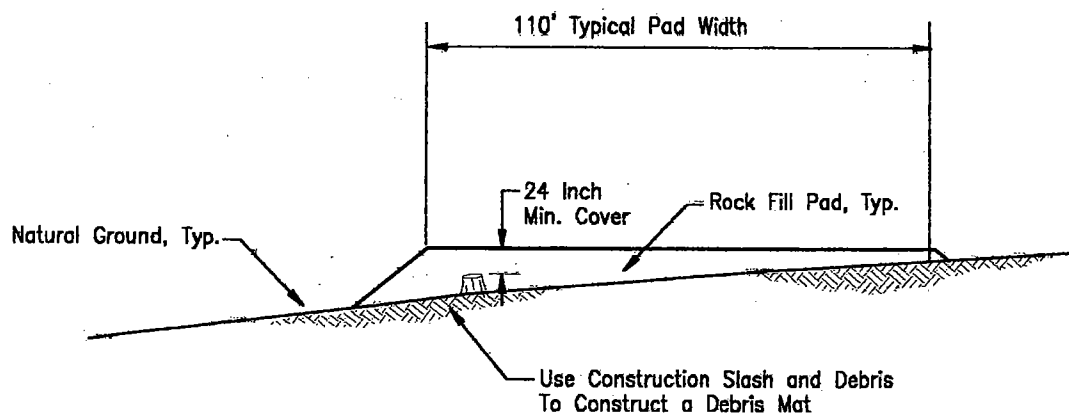
4-2003-1571

WRANGELL NARROWS 517

26 JANUARY 2004

PAGE 6 OF 7

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TYPICAL ROCK OVERLAY SECTION

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DATE PREPARED:
12-07-2003

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DEPARTMENT OF THE ARMY PERMIT

Sec. 11, Township 60 S, Range 79 E, Meridian CRM

Scale: 1" = 40 ft.

SHEET 3 OF 3

THEODORE SMITH

4-2003-1571

WRANGELL NARROWS 517

26 JANUARY 2004

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STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA DEPARTMENT OF NATURAL RESOURCES**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. 4-2003-1571, Wrangell Narrows 517, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **4-2003-1571, Wrangell Narrows 517**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274